

**MINUTES FOR TWO (2) PUBLIC HEARINGS
OF THE PLANNING AND ZONING BOARD
HELD TUESDAY, SEPTEMBER 6, 2016 AT 7:30 P.M.
AT THE CITY HALL AUDITORIUM, 110 RIVER STREET**

Chairman Anthony Sutton called to order the September 6, 2016 meeting of the Planning and Zoning Board at 7:35 p.m.

A. PLEDGE OF ALLEGIANCE AND MOMENT OF SILENCE

B. ROLL CALL

MEMBERS PRESENT: Richard Lutz, Michael Dolan, John Grant, Edward Mead (Vice Chair); Scott Marlow, Tom Nichol, Tom Panzella, Jim Quish, Anthony Sutton (Chairman)

NOT PRESENT: Carl S. Moore

STAFF: David Sulkis, City Planner; Phyllis Leggett, Board Clerk

1. **EXECUTIVE SESSION** - Eugenia Debowski v. Milford Planning and Zoning Board, 214-224 Seaside Avenue - Discussion of Pending Litigation.

Motion by Tom Panzella, seconded by Scott Marlow, for the Board members to go into Executive Session, and invited Matthew Woods, Town Counsel and David Sulkis, City Planner to join them at 7:35 pm.

Scott Marlow, seconded by Tom Panzella for the Board to come out of Executive Session At 8:22 p.m.

2. **HAZARD MITIGATION UPDATE** - Informational presentation by Meghan McGaffin, GIS Analyst, with regard to the Hazard Mitigation Committee's role in protecting the life and property of the Milford residents.

Joseph Griffith, Director, Department of Permitting and Land Use representing the Hazard Mitigation Committee, presented an update to the Hazard Mitigation Plan. Attached is the statement read by Mr. Griffith, as prepared by Meghan McGaffin, MIS.

Chairman Sutton advised the audience that the public hearing for the proposed regulation change was tabled at the request of Attorney Kevin Curseaden.

C. NEW BUSINESS

3. **9-11 RIVER STREET (ZONE MCDD)** - Petition of Yessica Trujillo for Site Plan Review approval to open a restaurant under Section 3.21.1.2, located on Map 54, Block 397, Parcel 8, of which Altama LLC is the owner.

Yessica Trujillo, 159 Broadway, applicant, requesting Board approval to change the existing retail gourmet store into a restaurant that will not be cooking the food on site, but will reheat it using a specific microwave. Based on the 1900 SF of the store, 26 parking spaces would be required in the MCDD zone. About 49 seats will be in the restaurant, including employees. Is requesting a waiver from the Board for parking adequacy.

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Mr. Sulkis: As indicated in their Statement of Use they will not be selling alcohol, as to space is too small to qualify for alcohol sale. The request for parking adequacy is very common in the MCDD zone.

Mr. Quish: Will customers be allowed to bring in their own alcohol?

Mr. Wilhelm: Would like to be able to sell alcohol, which is 45% of a restaurant's revenue.

Mr. Panzella: Food is to be brought in. Does not see refrigeration or freezer in the floor plan. The indication on the floor plan for refrigeration is small and is not a freezer.

Ms. Trujillo: Paul Sholz, Sanitarian of the Health Department did the calculations and determined they had adequate refrigeration for the cubic feet of the store.

Mr. Panzella: Asked how often food was delivered and if different vendors were used for such deliveries.

Ms. Trujillo: Will be able to gauge deliveries based on how much business is done on certain days of the week.

Mr. Sulkis: Even with Board approval, the applicant will still be required to get approval from the Health Department. The issue of refrigeration and any other such items, will be dealt with at that time.

Motion: By Jim Quish with conditions from the Health Department. Wished the couple good luck in their new endeavor.

Second: Mr. Panzella

Discussion: None

Vote: All in favor.

D. PUBLIC HEARINGS: CLOSE BY 9/6/2016; EXPIRES ON 11/10/2016

4. **103 POINT BEACH DRIVE** – Petition of Mark Pucci for approval of a Special to construct an inground swimming pool within 25 feet of high tide on Map 30, Block 642, Parcel 1, of which Dr. Hoos is the owner.

Mark Pucci, 4 Broad Street, Milford, representing Dr. Hoos. A new home is being constructed for which a Special Permit and a CAM report have been obtained. The home is almost completed and Dr. Hoos has asked for another permit for an in-ground swimming pool. Sharper Image of Monroe is the pool builder who has provided the site plan and engineered drawing of an inground pool for which they are seeking Board approval. The questions by the City Engineer have been addressed.

Mr. Sulkis: Asked for clarification as to where the fence would be located and the mechanicals for the pool equipment and if there are any engineering issues with the swimming pool being in close proximity to the sea wall.

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Mr. Pucci: The pool equipment will be located on the first floor deck at elevation 22. There is currently a six foot fence from Point Beach Drive which abuts the approximate 3-foot sea wall to the left and right of the neighboring properties. Upon approval, the Building Department will dictate where the fence will go for safety reasons.

Mr. Lutz: The pool would be five feet away from the sea wall. Is there engineering verification that the pool will not weaken the sea wall?

Mr. Pucci: Far enough from the sea wall. Had to excavate the whole property before the house construction where there had been an existing house. It will be a metal framed pool with a liner. It is also a salt water pool. It will have a retractable cover. This is not the only house on Point Beach Drive that would have an inground pool.

Chairman Sutton: Opened the hearing to the public. There was no one to speak in favor or against the application.

The Chair noted that a letter had been received in regard to this application by Mr. Cadan wherein he raised questions as to the fence placement; mechanical equipment placement for the pool; CAM report and engineer construction of the pool. The Board has received a copy of this correspondence.

Motion: By Mr. Quish to approve the application to install a swimming pool as presented.

Second: By Mr. Dolan.

Discussion: Mr. Lutz asked to receive an engineering report that it will not compromise the sea wall.

Mr. Quish: It is the board's position to permit the pool to be built. It is up to the Building Department to review construction documents to be sure it is engineered properly.

Vote: Seven members voted in favor; Messrs. Mead and Lutz voted against approval.

5. **PROPOSED TEXT REGULATION CHANGES** – Petition of Kevin Curseaden, Esq. for a change in the Zoning Regulations to: Article III, Sec. 3.1.4.1, Figure 2 (Height); Article XI, Sec. 2, Definitions: Base Flood; Base Flood Elevation; Building Height Within a Flood Hazard Area; Building Height in SFHA Zones AE or VE; Design Flood Elevation; Freeboard; Height Measuring Point. (The entire proposed regulation changes are on file in the Planning and Zoning Office).

Chairman Sutton: Repeated that the hearing has been tabled to September 20, 2016.

E. **LIAISON REPORTS - None**

F. **REGULATION SUBCOMMITTEE - (UPDATE)**

G. **APPROVAL OF MINUTES – 8/16/2016**

Motion: To approve by Mr. Grant

Second: By Mr. Panzella

Discussion: None.

Vote: All in favor of approving the Minutes.

H. **CHAIR'S REPORT:** The Chair signed a Lot Line Adjustment for 109 Beachland Avenue.

I. **STAFF REPORT: None**

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Motion by Mr. Grant to adjourn
Second by Mr. Panzella
All in favor to adjourn the meeting.

Phyllis Leggett
Phyllis Leggett, Board Clerk